

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No
PCT/B2005/050522

International filing date (day/month/year)
10 02 2005

Priority date (day/month/year)
20 02 2004

International Patent Classification (IPC) or both national classification and IPC
G11B7/09

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N V

1. This opinion contains indications relating to the following items:

- ☒ Box No I Basis of the opinion
- ☐ Box No II Priority
- ☐ Box No III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No IV Lack of unity of invention
- ☒ Box No V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No VI Certain documents cited
- ☐ Box No VII Certain defects in the international application
- ☐ Box No VIII Certain observations on the international application

2 FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66 1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220

3 For further details, see notes to Form PCT/ISA/220

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/050522

Box No. 1 Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050522

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,2,4,5
Inventive step (IS)	Yes: Claims	
	No: Claims	1-5
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations

see separate sheet

Concerning Point V

1. The following documents are cited:

- D1: US-B-6.342.978**
- D2: JP-A-2002.352.456 (cited in the application)**
- D3: US-A-2002/0.021.651**
- D4: US-A-5.018.836**
- D5: US-A-5.646.789**

2. D1 (US-B-6.342.978) which is considered to present the closest state of the art describes an optical pickup device where the objective lens support is connected by six suspension spring wires with the pickup base; the six spring wires are divided into two sets of three wires where one wire of a set is supported by a bent portion and having a damping member, thus realizing a flexible connection (D1, fig.1,2; col.5, lines 20-47; col.6, lines 14-26).

Because these are the features defined in claim 1, claim 1 is not novel as required by Articles 33(1)(2) PCT.

The feature of claim 2 in that the spring wires being electrical conducting is known as well from D1 (D1, col.7, lines 10-20).

The feature of claim 3 in that the flexible connection comprises a resilient member is known as well from D1 (D1, col.6, lines 15-17; the bent portion being evidently of the same material as the spring wire).

Thus, claims 2 and 3 do not fulfil the novelty requirements of Articles 33(1)(2) PCT.

Claim 3 defines the flexible connection being at the movable section side, while D1 shows the flexible portion at the static section side. Placing the flexible part at either of the two sides is seen to be a mere alternative for the skilled man, thus the subject-matter of claim 3 is not considered to be based on an inventive step as required by Articles 33(1)(3) PCT.

3. D2 (JP-A-2002.352.456, abstract; cited in the application) describes an optical pickup device where the objective lens support is connected by six suspension spring wires with the pickup base; the six spring wires are divided into two sets of three wires where one wire of a set has a free end part.

D2 is silent about the realization of "free end", where 'completely free' evidently does

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AUTHORITY (SEPARATE SHEET)**

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not make any sense. Thus, the skilled man will look for realizations of suspension wires being not fixed at one end. Therefore, the skilled man will take into consideration D3 (fig.19, pars.137-139; fig.29, par.169), D4 (figs. 9,10; col.4, line 62 to col.5, line 22) or D5 (figs. 5,6; col.5, lines 32-45), all dealing with a flexible connection of a suspension wire. The features of the dependent claims are to be derived from these documents as well.

Thus, the subject-matter of the present claims is not considered to be based on an inventive step with respect to documents D2-D5 (Article 33(1)(3) PCT).